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SUBJECT: THE BAHAMAS -- 2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of The Bahamas of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of The Bahamas and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of The Bahamas of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of The Bahamas's country narrative in the 2009 TIP Report:

The Bahamas (TIER 2)

The Bahamas is a destination country for men and women trafficked from Haiti and other Caribbean countries primarily for the purpose of forced labor, and women from Jamaica and other countries trafficked for the purpose of commercial sexual exploitation. In situations that, for some workers, may constitute forced labor, employers coerce migrant or temporary workers -- legal and illegal -- to work longer hours, at lower pay, and in conditions not permitted under local labor law by changing the terms of contracts, withholding travel documents, refusing transportation back home, threatening to withdraw the employer-specific and employer-held permits, or to turn the employee over to immigration. For the past three years, The Bahamas was included in the Report as a Special Case due to limited data.

The Government of The Bahamas does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government enacted comprehensive anti-trafficking legislation, added skilled personnel to anti-trafficking agencies and offices, consulted with other governments about trafficking issues and assistance, and continued to train government personnel on trafficking issues. The government did not, however, make noticeable efforts to proactively identify victims among vulnerable populations, such as foreign women and girls engaged in illegal prostitution or women and girls intercepted at its borders who may be attempting to enter The Bahamas to engage in illegal prostitution.

Recommendations for The Bahamas: Take steps to identify trafficking victims among migrants attempting to enter The Bahamas illegally; investigate, prosecute, and punish suspected human trafficking offenders; create and implement a national trafficking public awareness and prevention program; and allocate resources for the victim assistance measures mandated by the new anti-trafficking law.

Prosecution

While the Government of The Bahamas made minimal efforts to prosecute trafficking offenders, it lacked a comprehensive anti-trafficking law for most of the reporting period, faced relevant resource and capacity constraints, and confronted multiple competing law enforcement priorities. The Government of The Bahamas prohibited all forms of trafficking through its Trafficking in Persons Prevention and Suppression Act of **¶2008.** Although previously enacted laws prohibit trafficking-related offenses, the government did not arrest or prosecute any trafficking offenders during the reporting period. The penalties for trafficking in persons in the 2008 Act, ranging from three years, to life imprisonment, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The Bahamian government provided law enforcement personnel with anti-trafficking training, and some personnel participated in training with NGOs and international organizations. Historically, government personnel have conflated human trafficking and human smuggling.

Protection

The Bahamian government showed minimal efforts to protect victims of trafficking over the last year. The government continued to rely on NGOs and international organizations for the provision of services to victims. The Bahamas operates no specialized trafficking shelters, although services to victims of domestic violence would be offered to women and child trafficking victims. No organizations currently provide protective services for men. Agencies and officials followed no formal procedures for screening or referring victims to NGOs; potential victims are referred as they are identified. The new anti-trafficking law requires ministers responsible for national security and social services to implement a plan to provide appropriate services to victims, in cooperation with NGOs. Bahamian authorities encourage victims to participate in investigations and prosecutions of trafficking offenders. The newly enacted law requires convicted traffickers to financially compensate their victims. Although the government ensured that victims, once identified, were not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked, some victims were not properly identified. Law enforcement personnel generally deported foreign women found working in the Bahamian sex industry without first attempting to determine if any were victims of trafficking. The Bahamas, new law includes provisions for victims' immunity from prosecution, the protection of victims and witnesses with special considerations for the age and extent of trauma suffered by the victim, and relief from the removal of foreign victims to countries where they may face hardship or retribution regardless of their participation in the investigation or prosecution of their traffickers.

Prevention

The government demonstrated limited efforts to prevent trafficking over the reporting period. It strongly promoted official awareness of, and coordination on, trafficking issues within the country through mechanisms such as the multi-agency Trafficking in Persons Working Group. The government made no visible effort to reduce the demand for commercial sex acts, and it did not engage in any other awareness-raising efforts directed at Bahamian citizens.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking

victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human

trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated

"cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1. Why is the Bahamas included in the Report this year? Why was it given a ranking of Tier 2 Watch List?

¶1A. The Bahamas was placed on the TIP Report because there is evidence that it is a country of origin, transit, or destination for victims of severe forms of trafficking. The government of the Bahamas does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government enacted comprehensive anti-trafficking legislation, added skilled personnel to anti-trafficking agencies and offices, consulted with other governments about trafficking issues and assistance, and continued to train government personnel on trafficking issues. The government did not, however, make noticeable efforts to proactively identify victims among vulnerable populations, such as foreign women and girls engaged in illegal prostitution or women and girls intercepted at its borders who may be attempting to enter The Bahamas to engage in illegal prostitution.

Q2. What is the nature of the trafficking problem in The Bahamas?

¶1A. The Bahamas is a destination country for men and women trafficked from Haiti and other Caribbean countries primarily for the purpose of forced labor, and women from Jamaica and other countries trafficked for the purposes of commercial sexual exploitation. In situations that, for some workers, may constitute forced labor, employers coerce migrant or temporary workers -- legal and illegal -- to work longer hours, at lower pay, and in conditions not permitted under local labor law by changing the terms of contracts, withholding travel documents, refusing transportation back home, threatening to withdraw the employer-specific and employer-held permits, or to turn the employee over to immigration.

Q3. How can The Bahamas advance its anti-trafficking efforts?

¶1A. The government could take steps to identify trafficking victims among migrants attempting to enter The Bahamas illegally; investigate, prosecute, and punish suspected human trafficking offenses; create and implement a national trafficking public awareness and prevention program; and allocate resources for the victim assistance measures mandated by the new anti-trafficking law

¶12. The Department appreciates posts, assistance with the preceding action requests.

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